

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

LARRY ANTHONY WHITEHURST

PLAINTIFF

V.

NO. 2:09CV168-DAS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is the claimant's petition (# 24) for payment of attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment (# 23) dated May 25, 2010, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the grounds that he was the prevailing party and that the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$3,487.50 in attorney fees to be awarded for the benefit of his attorney, Joe Morgan Wilson. The Commissioner responds that the parties have agreed to settle the matter of attorney fees for \$3,200.00.

The court, having considered the foregoing and the record of this case, finds that \$3,200.00 in attorney fees is reasonable and appropriate. Therefore, it is

ORDERED that the claimant's motion for payment of attorney fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant \$3,200.00 for the benefit of the above named attorney.

THIS, the 19th day of July, 2010.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE